

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 \* \* \*

4 EDWARD F. PARKS,

5 Plaintiff,

6 v.

7 CHRISTY D. JOHNSON, *et al.*,

8 Defendants.  
9

Case No. 2:16-cv-00953-APG-PAL

**ORDER DENYING MOTIONS FOR  
RECONSIDERATION, TO SHOW  
UNLAWFUL INCARCERATION, AND  
FOR RELIEF**

(ECF Nos. 17, 18, 19)

10 I previously dismissed plaintiff Edward F. Parks' claims for a variety of reasons. ECF No.  
11 15. Most notably, under the rule announced in *Heck v. Humphrey*, if a judgment in the plaintiff's  
12 favor in a § 1983 case "would necessarily imply the invalidity of his conviction or sentence . . .  
13 the complaint must be dismissed unless the plaintiff can demonstrate that the conviction or  
14 sentence has already been invalidated." 512 U.S. 477, 487 (1994). Thus, I dismissed Parks'  
15 claims without prejudice to refile them should his criminal conviction later be invalidated  
16 because he clearly was attempting to challenge his conviction and sentence through this lawsuit.

17 Parks moves for reconsideration (ECF No. 17), stating he was coerced into a signing his  
18 plea deal and he refers to *Brady v. Maryland*, 373 U.S. 83 (1963). However, as I explained in my  
19 prior order, Parks cannot pursue a § 1983 lawsuit that challenges the validity of his prior  
20 conviction or sentence without demonstrating the conviction or sentence has already been  
21 invalidated. He has not done so. I therefore deny his motion for reconsideration.

22 Parks next filed a motion to show unlawful incarceration (ECF No. 18), in which he also  
23 challenges the validity of his prior conviction and sentence and claims he is actually innocent.  
24 For the same reasons, I deny this motion.

25 Finally, Parks filed a motion (ECF No. 19) stating he has little access to the courts and  
26 stating that his case is twelve years old, resulting in significant hardship to him and his wife. It is  
27 unclear what relief Parks seeks from this motion, but as stated previously, Parks cannot pursue a  
28

1 § 1983 claim on the basis that his criminal conviction and sentence are invalid without first  
2 establishing that his conviction or sentence has already been invalidated, and he has not done so.  
3 I therefore deny this motion as well. Additionally, I note that Parks has included private personal  
4 data in this filing, such as social security numbers. I will direct the clerk of court to seal this  
5 document.

6 IT IS THEREFORE ORDERED that plaintiff Edward Parks' motion for reconsideration  
7 **(ECF No. 17) is DENIED.**

8 IT IS FURTHER ORDERED that plaintiff Edward Parks' motion to show unlawful  
9 incarceration **(ECF No. 18) is DENIED.**

10 IT IS FURTHER ORDERED that plaintiff Edward Parks' motion for relief **(ECF No. 19)**  
11 **is DENIED.**

12 IT IS FURTHER ORDERED that the clerk of court shall **seal ECF No. 19** because it  
13 contains personal identifiers, including social security numbers.

14 DATED this 1st day of June, 2017.

15  
16   
17 \_\_\_\_\_  
18 ANDREW P. GORDON  
19 UNITED STATES DISTRICT JUDGE  
20  
21  
22  
23  
24  
25  
26  
27  
28